

REMARKS

In the Office Action, claims 65-70 were rejected as being anticipated by United States Patent No. 5,429,114 (Wilk et al.). In support of such rejection, the Examiner contends that Applicant's claim limitation requiring the stent to have a length that is "longer than the length of the transmyocardial passageway is a "method step" rather than an apparatus limitation. Also, while the Examiner agrees that Wilk does not disclose specifically sizing the stent such that it protrudes into the coronary blood vessel, the Examiner points out that Wilk describes a kit containing stents of different size.

Applicant respectfully disagrees with the Examiner's interpretation of Wilk. Wilk expressly teaches away from the concept of a stent that protrudes from the transmyocardial passageway *into the coronary blood vessel*. In fact, Wilk specifically states that his stent extends "only" within the myocardium. (see, abstract, lines 1-2, col. 3, lines 7-18 and col. 4, lines 17-19).

Also, by the present amendment, independent claim 65 has been amended to recite a covering formed on at least a portion of the stent to direct flow through the coronary blood vessel in a desired direction. Such covering on the stent is fully described in the specification, for example, at page 45, lines 17-22.

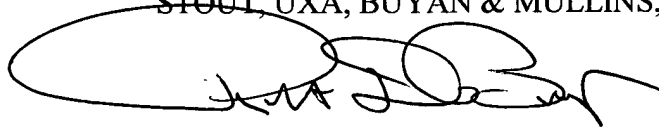
Amendments have also been made to dependent claims 65-70 are believed to be in condition for allowance. Issuance of a Notice of Allowance is earnestly solicited.

Appl. No. 09/944,222
Amdt. dated October 26, 2004
Docket No. TRNSV-013BC2

A Request for Continuing Examination is enclosed herewith.

Respectfully submitted,
STOUT, UXA, BUYAN & MULLINS, LLP

Date: December 27, 2004



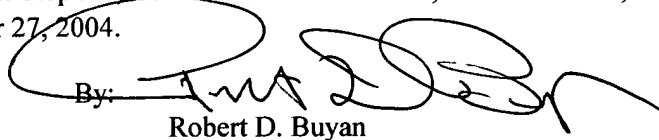
Robert D. Buyan, Reg. No. 32,460

4 Venture, Suite 300
Irvine, CA 92618
Telephone: (949) 450-1750; Facsimile: (949) 450-1764
email: rbuyan@patlawyers.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 27, 2004.

Dated: December 27, 2004

By: 
Robert D. Buyan